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IMPARTIAL SUFFRAGE A RIGHT;

AND THE

INFAMY OF THE REVOLUTION AGAINST IT

IN THE PROPOSED

AMENDMENT OF THE CONSTITUTION.

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NEW YORK :  
ROBERT J. JOHNSTON, PRINTER.  
33 BEEKMAN STREET.

1866,





## P R E F A C E .

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THE following pages are, for the most part, notes of discourses on the obligations of equity and justice to the colored race of this country, according to the Constitution and the Word of God. They are presented as a protest against the Amendment of the Constitution proposed by Congress to the Legislatures of the States, for the purpose of conciliating the rebels, by giving them the right of disfranchising the loyal blacks on account of the color of the skin. The right of suffrage in the Constitution, as it now stands, is a right of all free persons, irrespective of color. It is proposed, in order that the rebels may be empowered to disfranchise the blacks, to give to all the States the freedom of taking away the right to vote from such classes of the people as the States may choose. This proposed amendment we repel, as being contrary to the Constitution, a violation of justice and of God's Word, and a revolution against the rights of the people as guaranteed in their republican form of government, which the Amendment would change into an oligarchy.





for themselves, shall make their own selection. And selection can only be made by choice, and for choice there must be the expression of the choice, and that is suffrage, and it must be suffrage of the people, or it is not the people's appointment. So that, take whatever ground you will, it is still evident that suffrage is from God, the right of suffrage is a right from God, and unless God himself by a divine revelation indicates whom the people shall choose they are under divine obligation to exercise for themselves what is a divinely conferred right and a divinely appointed duty, the right of suffrage.

#### THE DEMOCRATIC THEORY OF THE PRESENT DAY.

But the argument of these modern democrats who deny the right of suffrage to the people, is that God made Saul and David kings over Israel and therefore the right of suffrage does not belong to the people of the United States as a right from God. A wide step of democratic logic, indicating a greater faith in and submission unto the Old Testament as a divine revelation of equal authority in government now as among the Jews, than we had supposed existed among that class of politicians. This goes far towards genuine Christian radicalism. It would certainly be a sign of the millenium were it not that it is packed for a purpose just as suffrages themselves are bought and sold as of supreme authority, by those very persons who deny the divine right of suffrage as a right of man. It is a right of wealth, a right of purchase, a right of despotism, a right of party corruption and rule, but not a right of manhood, intelligence, justice, man.

Because God made Saul and David kings over Israel, therefore no person in the United States has any right from God to vote. Equally clear it is that because God made David king, therefore we have no right to any but a kingly government; and it is evident that this party regard a monarchy as the only divinely appointed form, and of course a republic is a violation of God's authority, and an intrusion upon it, just as the claim of suffrage for the people is such a violation. For if suffrage is not a right from God, because a king was appointed of God for the Israelites, then a republic, which is the creation of suffrage, is not a right from God, but a monarchy is. To this practical result the denial of the divine and natural right of suffrage travels; and this, perhaps, is the secret purpose of the democratic denial of right to prepare the way for a *coup d'état*, changing the republic into an absolute monarchy. A more adroit pontoon, a better bridge all ready to be thrown across the gulf between freedom and despotism, could not be conceived, than this democratic denial of the right of suffrage as inferior to the right of kingcraft, of absolutism—a contrivance by which the people may be drawn across the Rubicon, and transferred from the freedom of a republic to the despotism of an absolute monarchy, in the hands of conspirators against suffrage, almost before they know it. The people lay down one night in France republicans and freemen and woke the next morning monarchists and slaves, by a contrivance less adroit, less permanent, less subtle and far-reaching than this. The denial of the right of suffrage from God as being a blasphemy, and the appeal to the divine right of kings as established in the Bible, is a phenomenon of democracy which the people cannot fail to ponder.

It does not lessen the significance nor the danger of such a phenomenon that it is pure ignorance and a perversion of Scripture. But it is well to

## THE RIGHT OF SUFFRAGE FROM GOD.

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### FREEDOM AND SUFFRAGE IN THE CONSTITUTION.

THE Declaration of independence coincides with the earliest injunctions and guarantees of revealed religion. Justice is the foundation of government; justice is the right and obligation of all mankind. And all the people shall say—Amen! When that was uttered, it did not mean all the white people or all except the colored race, any more than in our own constitution all the people means only the white people. There was equality before the law, and just law without respect to persons. The rights of all persons in the land were represented and protected.

### UNIVERSAL SUFFRAGE IN THE EARLIEST DAYS.

The earliest account is in the first chapter of Deuteronomy, verse 13: "Take you wise men, and understanding and known among your tribe, and I will make them rulers over you. Choose them for yourselves according to your knowledge of them. Judge righteously between every man and his brother and the stranger that is with him." The stranger is placed on a footing of equality with all the people as to all the people's rights. "And the stranger that is within thy gates." The wrath of the just God is laid definitely upon those who turn away the stranger from his right. The stranger is such an one as the negro in our country. "Ye shall not respect persons in judgment, but ye shall hear the small as well as the great; ye shall not be afraid of the face of man, for the judgment is God's." So likewise (Deut. xvi., 18-20):—"Judges and officers shalt thou make thee," etc. The choice and making of their officers was with the people: and there is no conceivable mode of choice but by expression of their judgment and will, and that is suffrage.

Besides all this, there was provision made for the change of government by the choice of the people, if they should be so foolish as to change from the republic to the monarchy. Deut. xvii., 14:—"When thou art come unto the land which the Lord thy God giveth thee, and shalt possess it and shalt dwell therein, and shalt say, 'I will set a king over me, like as all the nations that are round about me,' then shalt in any wise set him king over thee whom the Lord thy God shall choose." The expression and sovereignty of the popular will are admitted in the change of the form of government; and as to the personal selection of the king, if God had not expressly ordered that they should receive that from Him by Divine choice and appointment, that also must have been by suffrage—the expression of the popular will. And so with us. Having no appointment of our chief magistrate from God, it is God's arrangement that the appointment of the ruler be by the suffrage, by the choice, of the people. This right and obligation of suffrage therefore, is as manifestly from God as the right and duty of having a king if God appointed him, and of establishing whom God appoints. When God does not appoint, then it is equally God's arrangement that the people shall appoint



note that there is no such thing in the word of God as the kingly form of government by Divine choice and right, but by popular suffrage or personal ambition and violence. The people in their folly demanded a king, that they might have the grandeur and absoluteness and imperialism of the idolatrous despotisms round about them. They had grown weary of the simplicity, and freedom, and independence of living with God only for their king, and demanded that the government should be changed from this republican theocracy into the monarchical style and substance. And God informed them that the kingly government was in essence a usurpation and would prove the substitution of despotism instead of freedom, for that their king would rule by his own will, and proclamations, and authority, and would serve them, and do with them, in spite of all their good laws from God, just as he pleased. Nevertheless, notwithstanding this reproof and remonstrance, they insisted on their demand, and God ordered his servant Samuel to yield to this expression of their will and give them a king, according to their choice. So far, then, from the establishment of the kingly form of government being a denial of the right of suffrage, it was the result of the exercise of that right, though in a wrong way. It was the popular demand, the expression of the will of the Hebrew people, which God so far recognized, even when this particular exercise of it was an offensive rejection of His own kingship, as to give it way, and appoint a king in answer to it. He would let them try this experiment, and they did try it, and perished in consequence of it. For it was their kings—a succession of wicked kings and despots denying the right of suffrage, and herein making common cause with the modern Confederate rebel democracy, and compelling the people to obey iniquitous and unconstitutional decrees, and to receive as State institutions, oppression, caste, class despotisms, idolatries and forms of slavery, and to obey the statutes of the house and administration of Ahab, and to walk in the counsels of Omri instead of the laws of Jehovah; it was their kings, and their kingly government in the hands of oligarchies of State villains and God denying priests and prophets, that destroyed them. The God-given right of suffrage would have saved them had they continued to exercise it according to the law of God. They were destroyed because, in fact, they gave up their right of suffrage, which connected themselves directly by conscience with the will of God, and made them supreme and unconquerable in His righteousness, and substituted in its place the claims of an impious State sovereignty, which they said they were bound to obey as the higher law. That was their ruin—the renunciation of the gifts of freedom and independence bestowed upon them from God, the highest of which was the right of suffrage in accordance with the law of God and for the purpose of allegiance to him, and instead thereof the choice of human kings and oligarchs and their statutes of State expediency.

Just so our State sovereignty is the despotism of Ahab and Omri, and the renunciation of our right of suffrage into their hands, to be disposed of by them, and overridden and taken from the people at their oligarchical pleasure. The denial of the right of protecting the right of suffrage for all the people is a fraudulent assignment of power over into the hands of a special partner in the fraud. The States are the special partner, withholding the right of suffrage from such millions of the people as they please, though citizens of the United States government and entitled to repre-

entation by suffrage. The General government refuses protection, affirming that it is the prerogative of State sovereignty to exclude from suffrage whomsoever it chooses. The General government thus creates the State sovereignty supreme over itself, and commits to the States as a sovereign right of injustice and of despotism its own power of protection and of justice. It renounces the right of interference in behalf of its own citizens, although their freedom be taken away and a serfdom established in its stead, which is so destructive of the rights of human nature that our fathers called it slavery, and rose in armed rebellion rather than endure it. At the very same time the democracy which thus denies the right of representation for our own citizens, and forbids the government from interfering to protect them, calls upon the same government to interfere with armed force for the protection of foreigners, and even of Americans caught in the act of attempting the overthrow of a friendly government. Our government can interfere to protect persons not yet naturalized from the oppression of a foreign power; but it cannot interfere to protect the freedom of its own native citizens from whom it claims allegiance, when that freedom is taken away and sovereign States trample them down by millions into the slavery of caste. This is such shameful abnegation of the power, and denial of the purpose, for which God has appointed governments on earth, it is fraud and hypocrisy so impious towards God, and so cruel, oppressive and demoralizing towards men, it is such a scheme for evading responsibility and obligation to God and justice, and setting up as the rule and necessity of the State the will and pleasure and class interests of a set of rebels and tyrants, announcing and teaching such statesmanship as of religious obligation and authority, that it is evidently essential to the advancement of God's kingdom upon earth that it be destroyed. It is as essential now as it was three thousand years ago.

#### RIGHT OF REVOLUTION AND SUFFRAGE FROM GOD

According to these men the right of revolution against a bad government is from God, but the right of choosing and establishing a good government is not from God. The maxim that resistance to tyrants is obedience to God is true religion. Resistance to tyrants is a God-given right and duty. This doctrine is orthodox and religious; but the assertion of the right of choice as to the nature of your government and the character of your rulers—the assertion of the right of suffrage as a right from God is profane to the verge of blasphemy. Now if the obligation of supporting government for the sake of justice is from God, how can it be otherwise than that the right of choosing such a government and choosing to support it is from God? But the right of choosing and sustaining it is the right of voting for it, the right of representation in it for the purpose and from the necessity of sustaining it. The right of suffrage for it is certainly as natural and divine as the right of resistance against it when it becomes subversive and destructive both of God's government and man's interests and welfare. The right of suffrage is equivalent to the right and duty of obedience. Certainly the right and duty of sustaining a good thing by suffrage is as natural as the right of resisting a bad thing by violence. The right of suffrage is as natural as the right of self defence. The right of suffrage is the right of self-defence by moral means, by peaceful means, by means which will forever prevent and preclude the



necessity of resorting to violence. The right of suffrage, therefore, is profounder, deeper, more original, comprehensive and unalloyed than any right of physical defence by power can be. It is not till the right of suffrage—the moral right—be tried, or rejected and destroyed, that the right of self-defence, and of vindicating justice by violence, by revolution, takes place

#### LAW OF THE CONSTITUTION.

As of old, the robbery of an oppressed race is against the constitution as well as against God. The constitution declares that the people of the State shall elect representatives. The rebel democracy affirms that not the people of the State, but only a ruling class shall elect representatives. By universal laws of interpretation the constitution cannot be interpreted as requiring or sanctioning an injustice or a wrong; and if such a thing were possible it must be expressed in the clearest manner. If there could be such a thing as the constitution permitting any of the citizens to be excommunicated, as not being a part of the people, it must appoint the class with the most definite and unmistakable precision. Now when the constitution says that the House of Representatives shall be composed of members chosen every second year by the people of the several States, it does not say that people with a colored skin are not the people. And if any State undertake to disfranchise and excommunicate that portion of the people, it violates the constitution. Under the plea of appointing qualification for electors, the State might exclude all white persons of German and Irish origin. Suppose that this were done in South Carolina. Would the democracy regard this as constitutional? Would this be permitted under the plea of State sovereignty? Would the United States government permit a State to denaturalize and disfranchise Irish and German citizens on the plea that the constitution provides that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature?" Suppose that there were half as many emigrants from Germany and Ireland in South Carolina as there are colored American citizens, and that the State should determine that among the qualifications of electors for its House of Representatives there should be the condition of not being either of Irish or German extraction, would that be permitted for a moment on the pretence of its being constitutional, a right of State sovereignty? Would any State be permitted to wring out of the provision in the constitution giving to the electors of United States representatives the same qualifications as of State representatives, the authority and right to disfranchise a million of Irishmen and Germans? No more can it be permitted to wring out of the same provision the right to disfranchise a million of American citizens on account of the color of the skin. It would be to change that article of the constitution from a declaration of rights into a bill of attainder. It would be authorizing the State to pass a bill of attainder, and making that bill of supreme authority over the United States government, compelling the United States to sustain the attainder of the State against the citizens of their own government. The application of that clause to the disfranchisement of millions by the color of the skin makes a bill of attainder without crime. It has been argued by the democracy in Congress that the proposition to keep out the rebels for only four years from the right of United States suffrage on account of their treason is an

attainder forbidden by the constitution. But the same defenders of the rights of rebels argue the attainder of millions of loyal citizens on account of color as a right of State sovereignty. For the United States to keep the rebels out of suffrage for four years is a crime of attainder. For a sovereign State to debar loyal citizens from suffrage forever is a right of attainder, belonging to its sovereignty. Attainder of white rebels for four years by the United States government on account of treason is a crime. Attainder of innocent and loyal colored persons for life by the State on account of color is a sovereign right, with which the United States cannot interfere. This surrender of United States justice and right of protection to State injustice, for the sake of a compromise with rebels, for the sacrifice of the colored race, is the most demoralizing confusion and amalgamation of right and wrong, with wrong as the supreme authority and expediency, that can be imagined. It is an act of political sodomy.

#### A FRAUDULENT ASSIGNMENT.

What can fitly illustrate this treachery and hypocrisy? When you are required to do justice to the blacks, you have not the power; you have conveyed it away to the power of State sovereignty. But for the purpose of restoring the rebels, you can order the State at your pleasure. It is a fraudulent assignment for robbing a third party. Suppose a man sold, or pretended to sell to you the patent right of an invention, and in his description of what he conveys he mentions everything save only a valve, or spring, or pulley, or ingredient, on which the whole command and benefit of the patent depends, but that he has reserved to himself. Confiding in your right you proceed to build a factory, but find that the article is worthless, and that all your rights in it are unavailing for want of the element or article withheld. But the cunning rascal that has outwitted you tells you that you have got all that he ever intended you should have. You have got the lock, but the key is his own. He sold you the right of a lock, but he did not mention the key. It is not in the bond. He sold you a pound of flesh, but not a drop of blood. You may have all the civil rights secured by his contract with you, but the thing withheld is political and belongs to his partner, and is not his to give. Just so with the arrangement between our government and the rebel States. Our government is fraudulently assigning over its property or protection, its patent right of justice, into the possession of State sovereignties. Our government defrauds those whom it ought to protect by the averment that suffrage is political, and therefore does not belong to the colored race. The crime is bad enough as bare injustice; but the trick, the fraud, makes it still worse. The iniquity is barefaced. It is just as when the old Jews, after their crimes of impiety, wiped their mouths and presented themselves before God in the temple, saying, We were delivered to do these abominations.

#### THE PROPOSED AMENDMENT TO THE CONSTITUTION.

The present proposed amendment to the constitution, leaving the rebel States at liberty to disfranchise the colored race, is at sword's points with the just amendment which forbade slavery. And it was added that Congress shall have power to enact and execute such laws as are necessary to secure their freedom. On this ground we have passed the Civil Rights bill. But if



that bill was necessary for security from slavery ; if what are called civil rights were necessary to be secured by special law in order that the constitutional amendment against slavery might be carried out, much more was it necessary, for the same purpose, that the right of suffrage be secured by special law. It is not imagined that for white men there is any security against slavery but in possession of the right of suffrage. No more is there for black men—nor so much. But instead of adding that security you have deliberately taken it away, and forbidden it from being added. Instead of securing to the blacks for their protection the same rights of suffrage that the whites have, we have actually proposed a second amendment securing to rebel sovereign States the right to take away that right from the blacks, leaving them at the mercy of the whites, and more absolutely at their mercy than if they had been expressly counted in a material for white representation. This amendment is a provision for evading and nullifying the first. It is as if Gen. Grant, having got the rebel army at a river in the necessity of surrender, should have sent his own soldiers to throw a bridge of pontoons by night for their escape the next morning. The amendment forbidding slavery is pontooned—is bridged for the rebels—by the amendment giving them the power to take away suffrage. We have amended the constitution against slavery, and now further amend it in behalf of the rebels, giving to them the right to put back the negroes into slavery. For we judge the Congress and ourselves who do this deed by our own estimate in regard to whites. Merely the depriving white men of suffrage for four years is a punishment. A life disfranchisement is a felon's treatment. It makes white men slaves. Our fathers said that it did, and acted out that saying with the bullet and the bayonet. Virginia said that it did. The slave States in their bills of rights said that the taking away of the right of suffrage made them slaves. And now we propose by amendment of the constitution to confer upon those States the sovereign right and power to make such slaves of all the colored race. We propose to make that slavery constitutional and perpetual for black men which would justify an armed revolution for the whites. The act of conferring on the States the right of disfranchisement also nullifies, practically, the provisions of the Civil Rights' bill, putting it out of the power of the colored citizens themselves to protect themselves in those rights. The white race would regard themselves as unprotected and insecure if they had not the right of suffrage wherewith to secure their own inalienable rights of life, liberty and the pursuit of happiness. Civil rights are insecure for whites without political power to secure them. Where is the white community that would permit the Congress or any State in the Union to deprive them of the right to vote on the pretence that that right was political, and that no rights could be allowed to the people but civil rights? Who shall have the authority to define them, or to take them away under pretence of their being political? But where began the doctrine that political rights belong to the government, not to the people?

#### THE COMPROMISE BILL

Next, the Compromise bill. The country have danced about their idol, the negro prejudice, and the white man's government, even at the foot of Sinai, and while the thunders of God's wrath against slavery were still reverberating. They have compromised with the sacrifice of justice, and out of all their offer-

ings there has come forth this calf. And this is offered to the people as the method of reconstruction. Everything but justice. Anything offered to the country but justice. Justice without respect to persons is God's demand. Justice for the whites, but not the blacks, is our answer. Justice with respect of persons. Justice founded on and governed by respect to persons, and respect in the lowest, most degrading and insulting form; most impious towards God, most scornful and oppressive towards man; respect of persons by the race and the color of the skin. A violation of the Divine law, a perversion of justice, the administration of cruelty and outrage instead, not on a passing generation merely, but, as in the case of slavery itself, on posterity. Color determined by race and race by color, and millions consecrated to insult and injustice, by means of that stigma, from parents to children, generation after generation. And you can imagine, in the intoxication of your white war dance around this golden calf of compromise, that Sinai's God will let you dance on in posterity. They say, "How doth God know?" This is sovereignty. We have made a political contract that the States shall have supreme control of suffrage, and who is the Almighty that he should interfere with State sovereignty? We know not the Almighty, neither will we let the colored race have the benefit of the white man's government.

#### ESSENCE OF A JUST REPUBLICANISM.

The one superiority of the form of government adopted by our fathers above that of Great Britain was in the universality of representation, a government based on the right of suffrage as belonging to all the people, and not merely to a ruling class. That is republicanism, the right of manhood, of free agency, of personal conscience and accountability, the correlative of allegiance, the safeguard of allegiance from going into despotism. It is the central law, the discovery of which and construction of governments accordingly is as the discovery of the law of gravitation and the adaptation of our philosophy and practice accordingly; as the discovery of the circulation of the blood, and the correspondent certainty and progress in the art of medicine. An intuitive, inevitable urgency and effort of the human mind towards this law, towards the obedience of society under it, and there never can be peace till this harmony be attained, till men's artificial political arrangements are brought into submissive correspondence with this demand and necessity of human nature under the controlling necessity of government as ordained of God. The throes of empires, revolutions, anarchies, desolations, destructions, are the efforts of humanity in its blindness struggling towards the realization of this undiscovered law, the acknowledgment and enthronement of this primal right of man. How simple and how plain is everything, and how easily worked is all the machinery of government when that law is acknowledged and obeyed, when every class and every individual possesses in that right and in the fundamental law securing it a power of self-protection and defence; a right that, when universal, makes the interests of all the interests of each, and the inviolate secured rights of each the interest and common bond and compulsion of all.

#### OBJECTED AS AN OUTRAGE.

It is said to be an outrage to force suffrage upon the people. Are your rights or my rights forced upon the people of this State because the law



compels you to respect them as your own? Because I am permitted as well as you to hold property, and you cannot steal it from me without the penalty of the law for that crime, is that the forcing of the right of property on the State or on the people? Colored persons are permitted to hold property, and the laws protect them in it. Is that a forcing of the right of property on the people of the State? When colored persons are permitted by law to vote in this State on a freehold consideration, is that a forcing of suffrage on the people? Because black laborers receive wages for their labor, is that a forcing of the right of wages on the people? Because other persons are not prohibited by law from the right of buying a house and holding it in fee simple as well as yourself, is that a forcing of the right of purchase upon you or other householders, or on the people of the State? Is thine eye evil because I am good? Because other classes as well as your own enjoy the privileges of life and the protection of the constitution, are those privileges therefore to be regarded as the exercise of despotism forced upon the State? Because your neighbors are permitted to enjoy the same liberty of speech and opinion, of eating and drinking and believing and domestic arrangements that you enjoy, is that the forcing of the rights and privileges of freedom upon you? Yet we have heard the proposition of suffrage as a possession of the colored race, described by Christian men, yea, ministers, as being the unjust and oppressive enforcement of suffrage on the people of the State, the cramming of suffrage down their throats. Because you are prevented from stealing from your neighbor that is the cramming of honesty down your throat. Men speak of thrusting or forcing negro suffrage upon an unwilling State as it were some despotic, tyrannic violence put upon them. But who is forced? Whose rights are meddled with? The Roman Catholics might as well complain of violence and force because Protestants are protected in the right to vote. Protestants might as well say that Roman Catholic suffrage is a thing forced upon the State, crammed down men's throats. Whose throats are seized? On whom is any violence committed? The trouble is that one class is not permitted to lord it over another class. Suppose that the burglars in a community should denounce a law giving to barkers and householders the right to protect their own property and families against robbery, as being a violent aggression on the burglars' rights, a violence thrust upon them, a violation of their liberties. The trouble is that rogues are not permitted freely to oppose honest men by violence. There are persons so strenuous for free trade, that they extend it to free trade in other people's rights; and they hate protection to such a degree, that they declaim against the protection of black people from robbery and slavery as a despotism. If the government proposes to give over a million of its subjects into the power and will of another million, to be beaten by them and deprived of every liberty, that is all right—that is free trade, which the government is bound to protect. But if the government proposes to protect a million of its subjects from being beaten and robbed by another million, that is a despotism.

OBJECTED THAT PROTECTION IS DESPOTISM.

A government with the power and purpose of a personal protection, is, in the view of these men, a consolidated despotism. But a government bound and pledged to protect and guarantee each State in the right of oppressing and trampling down the colored race if the ruling class please, is

a free democracy. Propose a law defending and protecting the oppressed class, and bestowing the same right of protection on all, with a bureau for its execution, and instantly that is denounced as despotic, and it is pretended that it confers too much power on the President to make him the executive of such a law. If he vetoes it for the sake of keeping down the black race and bringing back the rebels into power, he is held as the savior of his country. The veto clothes him with the power of oppression but takes from him the power of protection, and that is the essence of the slaveholding democracy. Such a President can, by proclamation, take away the right of suffrage from millions; but there is no dangerous power in that—no approach to despotism in that. That is all right, because it is against personal liberty only of the blacks, and it protects the liberty of the whites to oppress them. But pass a law making it the duty of the President to protect them, and giving him the power to do this, and that is despotism. Let the President veto that, and instantly the press and the pulpit shout halleluia. The government may protect the State in the privilege of class representation and of oppression, and so far is a democratic free government; but the instant it undertakes to protect the individual from such oppression, as a citizen shielded by the constitution, that instant it is despotic. The free traders go in for protection of State rights as the grand business of the General government; but the protection of individuals and of personal rights, so that no State can trample upon them or sell a monopoly of them to a class they abhor. We witness a party defending for States fresh from rebellion the liberty to take away others' rights as the most sacred heritage of republican freedom. Any law passed forbidding that outrage they denounce, because the rebels themselves are not represented, and it is contrary to republican freedom to enact laws which the persons concerned have not themselves had a voice in passing. The colored race have no representation; yet it is no violation of republicanism to deprive them of their rights without any voice of their own in the matter. But to deprive the rebels of the right to rob the colored race by law is a wicked despotism, because the rebels themselves are not represented. Thieves and murderers not being represented in the General Assembly, it is a despotism if that legislative body presume to pass a law restraining the right of theft and murder, or forbidding theft and murder as public crimes. But millions of loyal citizens, innocent of any crime, may be punished as if they were felons, because, being black, they have no rights that white men are bound to respect.

#### THE CIVIL RIGHTS BILL.

The President, the Congress, the administration, the government, the people, are acting on the principle that black men have no rights that white men are bound to respect. All their legislation, all their measures in regard to the colored race are on that basis. It is not admitted that the colored race have any rights which they themselves are entitled to, irrespective of the gift or allowance of the government, or which they themselves are entitled to protect for themselves by self-protection and defence. Whatever rights the colored race receive they receive and hold at the mere will of the white race, as the grant of the white race, to be withheld or bestowed at their pleasure, through the working of a government which is solely the government of white men, and by their own legislation secured as solely theirs, against the possibility of



black men having any part in it. The Civil Rights bill itself is on this basis. It is passed on the assumption that the negroes have no other claim to what are called civil rights than white men give them in and by such a bill. It is framed on the assumption that the colored race are wholly in the power of the white race, as not a portion of the independent, self-governing citizens of the country, but dependent on the bounty of the white citizens for whatever place and protection in society may be accorded them. It is passed on the assumption that whereas the white race have the right and the power to make their own laws for themselves and for all others, and for this purpose the inalienable right of representation by vote, the black race have no such right nor power, and even for their civil rights are dependent on what the white race may please to throw them from the great white table, as a master throws a bone to his dog. It is not meet to take the children's bread and cast it to the dogs. The vote is the children's bread; not one of these dogs shall have it. They shall only have the crumbs that fall from their master's table. The inhumanity and bigotry of Jews that crucified the Saviour of the world rather than admit Gentile dogs to a participation in their own rights, which Christ came to put at the disposal of all, is renewed in this republican cruelty, this trampling and torture of the black race into a caste for perpetual crucifixion by the color of their skin. You may judge the Civil Rights bill by transposing the tables, and supposing it issued as a grant of protection to the whites. What white man would not feel insulted and oppressed if informed that all the rights that he possesses under this government are in that bill conferred by that bill, existing only because that bill has been passed as a boon by the government to its white subjects? What white man would bear to be told that the government cannot and will not give him the right of voting because he is white; that the right of representation does not belong to him, but that he must be thankful to receive as a grant the civil rights which are enumerated in the bill? What white community would endure the doctrine that all the rights which are not granted and guaranteed in that bill are taken from them and reserved as the property of government, to be withheld at pleasure? What white community will endure to be told that the State can at its pleasure take away their rights as citizens of the United States, destroy their representation, and the possibility of representation, in the government of their country, by local laws against their race, their parentage, their stature, or their girth about their waist?

#### A SCENE IN BALTIMORE.

We recently saw the record of a scene in the cars in Baltimore, a colored woman entering and none forbidding, none looking offended, or surprised, or indignant; on the contrary, men and women inviting her to a seat beside them, moving to make convenient room for her. What was the secret of this wondrous courtesy? She had a white babe in her arms; that was the talisman. Her courteous reception was the testimony of the supremacy of the white race. As a servant in the family of freedom, and in homage to the white babe—for the sake of the white babe; illustrating the advice of President Lincoln, that suffrage might be given to a few, inasmuch as they might help to preserve the jewel of liberty in the family of freedom. Though not of the family, they might be admitted into it for the sake of de ending the privileges

and rights of its aristocracy as the reigning family of freedom. For the sake of keeping the fee simple in possession of the family they might be admitted as tenants at will.

No admission of any right of suffrage in them; the white race alone are presumed to possess the right, and theirs alone is the right of conferring the right, if they please, on any of the blacks, or of withholding it altogether. And, even now, if it is asked, it is asked for the sake of the white nation; pure, selfish expediency.

#### THE OBLIGATIONS OF STATESMANSHIP.

We demand it in the name of God and justice. Statesmanship is not of mere expediency, but is a province of religious obligation and wisdom, attaching us directly to the will of God. The object of government as ordained of God is the protection of the innocent and the security of their rights; and the punishment of the wicked here is expedient for the sake of the justice of preserving and protecting the rights accorded of God to them that do well, and the freedom of well doing and conscience to God. The Civil Rights bill is a bill sanctioning the exclusion of the colored race from the right of representation, the right of self-protection by suffrage, and throwing them helpless on the government for those rights which the white race need no laws to grant or protect, holding them irrespective of the government. The Civil Rights bill announces that those rights which the white race hold inalienable by virtue of citizenship and representation, the colored race can hold only by special permission of the white men's government. In other words, the Civil Rights bill, leaving out the right of suffrage, and taken in connection with Colorado, is a product of the Dred Scott decision; I say, taken in connection with simultaneous legislation of Congress admitting Colorado with the word "white," excluding the colored race from representative citizenship, thus positively legislating against them in this particular, and so assuming the right to have legislated in their favor had it pleased. Assuming the entire sovereignty over the subject, and having the opportunity offered, unquestionable, absolute, of giving the right to vote to the colored inhabitants, the white representatives have deliberately taken it from them, have voted away the right to vote in an unrepresented class. By exercise of a power which they receive only from the votes of the people they vote away from a portion of the people that right and power of voting to which they owe all their own legitimate authority to vote at all. And this public robbery they exercise on the ground of the color of the skin, as qualifying and designating a portion of the people to be thus disfranchised and robbed by the people's representatives. They are legislative thieves. But worse than that, the theft being of that which constitutes the vital essence of republican freedom, they are moral assassins. They stab the life of political manhood, which in this country is a part of the moral life of every citizen. They do this for posterity. In England John Stuart Mill has recently distinguished himself by appealing to the sense of justice and glory; the life of national glory among empires on earth and statesmen who have elevated them; in behalf of suffrage for the people of England, as an obligation to posterity, for that every government and



age, and Christian people are bound to live for posterity, and if they do not, they degrade and deny their own immortality and manhood.

#### CUR REPUBLICAN LEGISLATION.

But here in this country, we have a nation, government and administration, whose statesmanship is to degrade posterity, whose highest legislative work in the reconstruction of foundations of many generations, is providing for the perpetual degradation and moral assassination of many millions; statesmen who teach the infamy of legislation on the ground of the color of the skin, and transmit to their posterity that record and example of their own infamy. And the ingratitude and execrableness of this madness is accepted by multitudes in the church, and men in high place and influence as Christian teachers, do not hesitate to denounce the efforts of leading friends of justice to the colored race, as proving them devoid of true statesmanship, because, they aver, that all statesmanship is mere expediency, and what Mr. Sumner denounces as injustice is the highest expediency, for it is not expedient to give the colored race suffrage, and no man can be called a statesman who puts suffrage on the ground of moral right. All this only shows to what a depth we have sunk. There ought to have been an uprising of the church against this iniquity so spontaneous, and a convocation and a voice of reprobation so strong and incessant and stormy, that it would have swept all before it. There is no protection, no stay, no insurance against the self-destructive madness of human depravity, except God, justice, or some regard to it be adopted and held on to as the rule in human society. Whoever expects to supply its place by remission of the penalty against transgressors, and severity of exactions towards innocent and loyal and submissive citizens, is as much mistaken as if he should undertake to feed his household with pills of arsenic or leaves of fulminating powder instead of bread. This impious reversal and confusion of all divine truth and injunction, administering injustice to the worthy and license to the wicked, penalty to the loyal and impunity and reward to the rebellious, under pretence of generosity and forgiveness, cannot prosper. There must be in it the causes and insurance of anarchy and ruin. There are combinations of human prejudice and passions, occult, stealthy, unobserved, uncalculated, impossible to be measured, that, occurring at suitable conjunctures in human affairs, may tear empires asunder may heave up, disintegrate and scatter the best apparently constructed States in explosions of which the terrible earthquake power of such a compound as that of nitro glycerine is but a symbol. But as such a long working and seemingly blind congregation of elementary forces in nature may thus be of omnipotence enough to rend in pieces the solid globe, if occurring at its centre, so may the forces of human depravity enter into a conspiracy perfectly unintentional, the result of which may upheave the foundations of society, and tear asunder and scatter the firmest institutions.

#### THE QUESTION OF THE HOUR.

The question is whether the American government is God's plan of government for all the people, without respect to persons, or the white man's government, for the white man's rule, for the white man's rights, as sole and supreme, to the subjection and exclusion of the black man's—a govern-

ment of the whites, with supreme and exclusive respect to persons by the color of the skin, as the ground and method of legislation, as the rule of practical wisdom and reconstruction—in fact, the ultimate principle of statesmanship, the compass and helm, chronometer and Bible of captains and mates. Have the blacks in this country, under this government, any rights that white men are bound to respect? It is not have they any rights? but, any that white men are bound to respect, in case their own interests are supposed to stand in the way? Justice Taney never denied that black men have rights, but only affirmed, as a principle of justice and practical legislation, that they were not equal to the white man's, but must give way if the white men pleased, or if white men's rights and black men's came in competition. If white men chose to enslave black men, then blacks had no right to freedom. And white men alone must determine every question of rights, not the blacks. The whole government must be in their hands, with supreme reference to their own interests, and if those interests, in the judgment of the whites, should require the taking away of the rights of the blacks, then in all those respects the blacks have no rights that white men are bound to respect. Since the admission of Colorado this is our national legislation.

#### ROBBERY UNDER FALSE PRETENCES.

It is remarkable that these gentlemen, who defer their legislation so submissively to public opinion, assume as of no consequence whatever, the opinion of the millions whom they are proposing to defraud. They enthroned the prejudices of the people as their guide and governor, and excuse their iniquitous legislation on the plea that they did not dare to go against those prejudices; but the opinions and just claims of a large portion of the people—the whole colored race, are of no more importance than if they did not exist. They cur and square their legislation to meet the prejudices and public opinion of 200,000 white men in South Carolina, for example, but 300,000 black men, a large majority of the people of the State are despised and trampled with as much coolness and contempt as if they were so many Canada thistles. They are no more regarded as having any claims or rights, either as citizens, or as a majority of the people, than they were when they were slaves, no more than if they were again slaves, as indeed this legislation makes them. And this palpable robbery directly follows an article providing that in no State shall any of the people be deprived of the immunities of citizens! The negro is thrown between these millstones and ground to powder. This incubation of the Secession is the cockatrice's egg, which whosoever eateth dieth and that which is crushed breaketh out into a viper.

It is the painful spectacle of men legislating not for the rights of citizens, but for the monopoly of wrong and contriving for men, under the frenzy of a cruel prejudice, the means of indulging that prejudice, and inflicting that cruelty against the class of innocent persons placed at their disposal. That is the whole object of the proposed amendment; not to secure any person's rights, but to take away the loyal negro's rights. Here are your victims, take them and treat them as you please. We shall not interfere. If you please to take from them the right which we and you count dearer than life, we shall follow on and secure that robbery by counting them out of the pale of representation, to be taxed as chattels, but not represented as persons.



If you count them disfranchised, we will count them nothing at all. We say nothing about color, but we need not remind you that the whites are sacred, and as we are sure that your only wish is to degrade the blacks, so you may be confident that our only object in providing this amendment of the constitution is to accommodate it to your prejudices, but not to permit any disfranchisement of the whites. That of course is impossible. With this understanding we give you full power, providing only that having robbed the negro of his rights, you shall not assume that representation of the negroes, as persons, still exists to be transferred to your account for the increase of your own political representation as whites. For the privilege of destroying the right of suffrage in the blacks, and in consideration of our assisting you to do this, you must consent not to have them represented as whites to your credit. We have thought it best to say nothing about color, but this power is put into your hands to be used solely against the blacks.

It is the robbery of the negro under false pretences. For white men, disfranchisement is a penalty for crime. They can be disfranchised for nothing else; but loyal black men may be disfranchised for the color of their skin. The negro is not there by name. But every Senator and Representative knows that that article was framed on purpose to accomplish for the rebels their implacable prejudice and hatred, and to smooth their return into the Union by laying the road across the prostrate bodies of the blacks. It will go down to posterity that Congress interpreted a doubtful article in favor of slavery, and set that interpretation in the Constitution itself, but at the same time avoided the use of the word color, the word negro, knowing that the interpretation was only for him, that the article could never have been framed for the white man, that if so framed, it would have been rejected. They have given the rebels the power to disfranchise whom they please for other causes than crime, knowing that they never would disfranchise any persons but the blacks only, and that permission is a bribe.

The amendment is a rescript of tyranny in sympathetic ink; it is a despotic decree in cypher; the rebels understand it. It is as if poison were contrived for the servants in a family, and put into loaves of bread appointed only for the kitchen, though seemingly the same with those consumed by the white aristocracy above stairs.

Written out, the article reads thus. White men can be disfranchised only for crime, but loyal blacks may be disfranchised for the color of the skin; and whenever so disfranchised by any State, they shall be deemed and stamped by the United States government as State chattels.

The concealment is very clumsy, very poor. A turkey buzzard would see the prey; the rebel instinct detects it. Reverdy Johnson's speech seized upon it instantly, and applied the whole article to the blacks, arguing that by it the voting property of many thousand whites in the blacks of Maryland was destroyed, while in South Carolina more than half the material of white representation in black chattels was nullified. It was all right that blacks should be denied the vote; this was no robbery of the blacks; but to refuse to give the whites the benefit of their franchise was an intolerable injustice and theft. This could not be endured.

Churches silent on that. But what about the outrage of robbing the whole colored race of the right of suffrage? This is far worse than burning twelve

school-houses and churches. If the first outrage had not been committed the second would not have been possible, or if committed in a single instance, would have been instantly punished. If the church and school-house of any white congregation had been burned down, immediately the incendiaries would have been brought to justice. It is the vote that makes the difference. The nation robs these persons of the vote, and we need not be astonished if any other villains take what they please. And the churches that would be silent while they are robbed of the vote could not be expected to speak out if robbed of churches and school-houses. But which is the guiltiest silence?

It is a question regarded by the church in Switzerland, the country of Zuingli and of Tell, so vital, that they deem it their duty as followers of Christ to appeal to this country in behalf of the rights of the colored race. Yet the churches here are silent. The outrages of church burning do not require a remonstrance so imperiously as the outrage of destroying the right of suffrage by reason of the color of the skin. If the churches are silent, they consent. I was a stranger and ye took me not in, hungry and ye fed me not, naked and ye clothed me not, sick and in prison and ye visited me not. But Lord, did we not establish the Sanitary Commission, and the Freedmen's Bureau, and the Civil Rights bill? When saw we thee a stranger and took thee not in? When saw we thee a hungered and fed thee not, or thirsty and gave thee no drink, or naked and clothed thee not? Inasmuch as ye did it not to one of these my brethren, ye did it not to me. I was among you as a stranger with a colored skin, and ye denied to me the privileges which for yourselves you claimed as dearer than life. Ye excommunicated me as a stranger, and denied me the children's bread. Ye branded and hunted me as an outcast and a pariah on account of the color of my skin. And ye did all this under the same plea of State necessity, by which Caiaphas and the Pharisees justified the crucifying of the Son of God, that it was expedient that one man should die for the people, and that the whole nation perish not. The same plea by which Herod justified the murder of John; the same by which Pilate released Barabbas but gave up Christ to the will of his murderers.



## II.

### HISTORICAL SKETCH AND ARGUMENT.

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HISTORY OF THE RIGHT OF REPRESENTATION FROM ITS ESTABLISHMENT IN 1774  
TO ITS DENIAL IN 1866.

The first Continental Congress in 1774 was "composed of delegates chosen in the various colonies, some by the legislative body, some by the popular representative branch thereof, and some by conventions of the people, according to the several means and local circumstances of each colony." This is the record of Justice Story on the Constitution. The delegates in the second Congress of 1775 were chosen principally by conventions of the people in the several colonies. It was this body that in 1776 issued the Declaration of Independence. The Congress in 1774 drew up and adopted a declaration of rights, affirming, "That the inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English Constitution, and the several charters or compacts, have the following rights." Among them are, that they are entitled to life, liberty, and property, and that the foundation of English liberty, and of all free government, is a right of the people to participate in their legislative council; and as the English Colonies are not represented, and from their local and other circumstances cannot properly be represented in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved. The articles were extended to the number of ten, "all and each of which the aforesaid deputies in behalf of themselves and their constituents do claim, demand and insist on, as their indubitable rights and liberties, which cannot be legally taken from them, altered or abridged, by any power whatever, *without their own consent by their representatives in their several provincial legislatures.*"

The right of representation, which is the right of suffrage, is here set down as *a right of all the people* by the immutable laws of nature, in other words a natural right.

On this declaration of rights, and growing out of it, followed in 1776 the Declaration of Independence. "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Life, liberty, and the pursuit of happiness are here presented as natural and inalienable rights, not following, or growing out of, or conferred by any civil

or political organization of government, but going before all government, and at the foundation. To secure these rights a representative government is equally a right, and to secure that, the right of suffrage. If the right to life, liberty, and property is a natural right, then, whatever is absolutely necessary to secure that, is a natural right also. So our fathers judged for themselves and their posterity, the people of the United States.

It was added by them, as a usurpation by the King of Great Britain, for the establishment of an absolute tyranny over the States, "that he had refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only." This was presented as a justification of the revolution.

Let it be considered how much greater and more absolute than this is the tyranny of proclaiming edicts, taking away the right of representation from large districts of people, from more than half of the whole free people of a State, as for example in the States of South Carolina and Mississippi. This kingly act of tyranny was contained in President Johnson's government of the colored citizens of the United States by proclamations depriving them of the right of representation on account of the color of their skin. The number of free citizens from whom President Johnson thus took away the right of suffrage by proclamation, without authority from any legislative department of the United States government, was greater than the whole number of inhabitants of the Colonies in 1776, refused the right of representation by the King of England.

It may be added, as in the case of our fathers, that the right of representation thus taken away from free colored citizens of the United States by the President is "a right inestimable to them, and formidable only to tyrants." It may be added also that they as well as our fathers and ourselves have the right to claim demand and insist upon this and other rights as their indubitable rights and liberties, which cannot legally be taken from them, altered or abridged, by any power whatever, without their own consent by their representatives.

#### ARTICLES OF CONFEDERATION.

After the Declaration of Independence, came the Constitution of the first Federal government of the United States of America. Article 4th in the Articles of Confederation provided that, "The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States." All the privileges of citizenship are here guaranteed, always and everywhere, to all free inhabitants or citizens without respect to race or complexion.

On this article was founded the provision of the same nature in Section 2 of Article 4, of our present Constitution. "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

"The Constitution," says Justice Story, "has wisely created a general citizenship, communicating to the citizens of each State who have their domi-



cil in another, all the privileges and immunities enjoyed by the citizens of the latter." No *ex post facto* law can defraud any class of these claims.

THE COLORED RACE BOTH CITIZENS AND VOTERS, WHEN OUR PRESENT  
CONSTITUTION WAS FRAMED.

The present Constitution having been framed in 1789, the first Congress governing the country under it were assembled the 4th of March 1789, with Washington President, and John Adams Vice-President.

At the time when this Constitution was adopted, as also when the 4th Article of the Articles of Confederation had been passed, persons of color were free inhabitants, citizens and voters in nearly all the States. Only in the State of South Carolina was there any exclusion from the right of suffrage on account of color. South Carolina had inserted the word white in order to exclude the blacks. When the Congress of the Confederation were debating on the article declaring the free inhabitants of each State entitled to all the immunities and privileges of free citizens in the several States, without distinction of color or race, South Carolina moved that only free white inhabitants should be so entitled, which motion was negatived, and the attempt to exclude from the right of suffrage colored persons, was thus rejected and condemned.

Again, South Carolina attempted the same exclusion by moving to insert, after the provision securing the rights of the free inhabitants of each State to all the privileges and immunities of free citizens in the several States, the following condition: "according to the law of such States respectively for the government of their own free white inhabitants." This was also negatived and refused. So that this article, both in the government of the Confederation, and of our present Union in the Constitution, proves in the clearest possible manner that it was not intended to leave it in the power of any State or the people or legislature of any State to exclude colored persons from the right of suffrage, or to limit that right to the free white inhabitants. Nevertheless, what our fathers rejected with indignation and scorn, and would not purchase the adherence of a State to the Union by yielding one iota, it is now proposed that we submit to and receive into the Constitution, in order that, after the rebellion in behalf of slavery, South Carolina may return into the Union with the right of excluding her whole colored population of free citizens from the right of representation, solely on account of the color of their skin.

DIEQUALIFICATION BY COLOR IMPOSSIBLE IN THE CONSTITUTION.

The interpretation of the first Article in our present Constitution, requiring the people of the States to vote for representatives of the United States according as they vote for representatives of their own States is determined beyond question by the action of our fathers in the Confederation and in the framing and adoption of the Constitution, as forbidding any exclusion of a class by color. Whatever other qualifications might be required, or condition imposed, that of color should not be permitted. The people of each State were people irrespective of color, and as being the people were admitted and required to vote for United States representatives and no qualification of color or race was allowed. It was distinctly tried and rejected, in two separate forms and attempts, and the article adopted was adopted under the knowledge and guidance of such trial and rejection.

The attempt of South Carolina to engraft the element of a slave despotism by color of the skin upon the Constitution, so unanimously condemned and rejected by the fathers and framers, is now being renewed. It was first proposed in the present Congress, in 1865, to amend the Constitution so as to receive into it that identical proposition of South Carolina, and that proposed amendment passed the House of Representatives by a large vote. Only by the firmness of the Senate for the moment were we prevented from being brought round as a nation to that point of tyranny and baseness, where South Carolina stood alone a hundred years ago, and where then the nation would have become a nation without her, rather than receive her into its Union with the iniquity of such a tyranny brought with her.

The nation then, though weak in its infancy, was strong in its integrity, and would not purchase the membership of South Carolina by the sacrifice of the rights of the colored race. To-day the nation in its strength is insulted with the proposition to amend the Constitution, in order that South Carolina may be brought back with the right to trample on the colored race guaranteed by the United States government. In the name of State sovereignty that right of injustice is claimed. But we are a hundred years ahead of that iniquity, and in the name of God and humanity it must be forbidden. In the reconstructed government the protection of the citizens is our great work, not State rights, except for the accomplishment of justice. If State sovereignty secures protection of the citizens, it may be granted, not otherwise. Justice is all the statesmanship we need, and the government cannot, like a dishonest tradesman, put its property out of its hands, and then say, I have no means.

#### CASE OF CAROLINA, MASSACHUSETTS AND JUDGE HOAR.

Meantime, before the recent rebellion, South Carolina had again and again violated and nullified the article adopted by the Confederation, and renewed in the Constitution, protecting the rights of citizens; nor has the national government ever dared to lift a finger for the chastisement of such violation or the protection of the injured persons. When Massachusetts sent one of her most venerable and respected citizens to plead her rights and to defend that article in court, the people of South Carolina drove him from their shores with insult and outrage. This was the venerable Judge Hoar.

Are we to-day in our senses or insane, or is it the delirium of a nightmare, that the proposition has been made to enthrone the right of such outrages and the principle of such a violation of the fundamental law of our liberties, in the Constitution itself, by the alteration of its text for that purpose?

It is now for the first time in our power to chastise the insolent domination of South Carolina by the enforcement of justice. This is a ripe fruit of the rebellion, and is worth all the cost, all the blood, all the sacrifice of the four years civil war. If we refuse to avail ourselves of this opportunity, if we reconstruct the Union with this infinite iniquity in it, we merely lay the certainty of another civil war, and a war of races, as a judgment from the Almighty, in the choice of our own madness.

#### DISFRANCHISEMENT BY COLOR IMPOSSIBLE IN THE CONSTITUTION.

There is another proof of the impossibility of foisting color into the Constitution or permitting States to disfranchise whole classes of United States citizens for other causes than crime, in the terms of representative appor-



tionment, which are such as put the interpretation of the 1st clause in the second section of the first article beyond question, forbidding the proposed disqualification by color of the skin.

By these terms, the rule of representation in the several States is grounded on *the whole number of free persons*. Without respect to color or race, they are to be represented, they are to be taxed. There is no right of taxation without representation; there is no possibility of representation without suffrage. Hence the denial of suffrage to free inhabitants is that exact and absolute tyranny which our fathers pronounced to be slavery and to be resisted by arms. Any class of citizens deprived of the right of suffrage is thereby freed from allegiance. The government has no right of government over men from whom it takes away the right of representation. If such government be enforced, it ceases to be a free government, and becomes a tyranny, and the subjection to it a slavery.

#### PROOF FROM THE CENSUS.

The great object of the Census is an equitable representation of the inhabitants of all the States. It is an enumeration of the population without respect to race or color, to be represented and taxed. No class can be excluded from representation any more than from taxation. Representation is the condition of the right both of taxation and government.

Of this first and fundamental principle of the government of the American people by representatives emanating directly from themselves, Justice Story remarks, "Their own experience as Colonists, as well as the experience of the parent country and the general deductions of theory had settled it as a fundamental principle of a free government, that no laws ought to be passed without the consent of the people, through representatives immediately chosen by and responsible to them."

The meaning of the first article is thus put beyond a reasonable doubt; though if there were a doubt, the universal rule of civilized and Christian jurisprudence requires the benefit of the doubt to be given to the side of liberty. But there is no room for doubt, the thing having been decided not only on general principles, but by a case in court when the Constitution was framed embodying those principles. The Constitution of the United States not only does not leave it in the power of any State to exclude any of its free inhabitants from the right of suffrage on account of color, but is so worded as to forbid and prevent any State from such exclusion. With other required conditions or disqualifications the Constitution does not specifically interfere, but it does with this. The people, by the Constitution have forbidden the National governments and the State governments from ever disqualifying the free inhabitants of any State by color or race, or depriving them of that right of suffrage which is one of the fundamental immunities and privileges of citizenship. The proposition to legislate by color was before the framers of our government, was pressed upon them, and repudiated by them, and with this proposition distinctly in view, they so framed the Constitution as to forbid it.

In the light of these indisputable facts, what is to be said of the attempt a hundred years afterwards, on the conclusion of a rebellion for the perpetual enslavement of the colored race, to put that originally rejected proposition into the Constitution, amended for that purpose, in order to conciliate the rebel States, and purchase back their friendship and alliance by giving up the

colored race into their power! Surely, history never recorded a greater infamy than this.

#### GUARANTEE OF SUFFRAGE IN THE CONSTITUTION.

Freedom of the exercise of religion, freedom of speech and of the press, freedom of petition for the redress of grievances, are not more exclusively guaranteed to the people by the Constitution than freedom of representation. There is no more right under the Constitution to take away the right of voting from any portion of the people on account of the color of the skin, than there is to do this on account of their believing in the Saviour of the world. The right of free religious faith does not belong to the people any more universally than the right of representation. The same may be said of the right of free speech. There is as much ground for taking away the freedom of speech and of the press from a portion of the people because they are colored persons, as for taking away the right of representation. The same may be said of the right to testify, and to make contracts, which we have guaranteed by the Civil Rights bill, omitting the right of suffrage. Yet there is no more obligation or power in government to protect the right to testify or to make contracts, than the right to vote; nor any more right in the government to withhold that right on account of color or to permit it to be withheld than the right to testify in courts. If any of the States could take away the right of representation from a class of its free inhabitants, by statutes against color, so they could any other right, and from any other class, by statutes against any personal peculiarity. Red hair would be as justifiable a cause of denial of the right of suffrage as a dark complexion; and Celtic blood as Ethiopian. Red hair is a personal peculiarity. A colored skin is nothing more. Yet who supposes that Congress would permit any one of the States to exclude from representation all persons having red hair, much less that a bill for amending the Constitution to allow a State to exclude red-haired persons from representation could pass the House of Representatives? Yet it is only a personal peculiarity. If such legislation were constitutional any State legislature could exclude persons of any particular trade or occupation from being considered as a part of the people, and could thus deprive them of all the rights guaranteed to the people by the Constitution, and belonging to them by citizenship. Citizenship is worthless if the right of suffrage does not go with it. It might not be in a monarchy, but it is in a republic.

Justice Story declared that "a perfect equality of rights, privileges, and rank was contemplated by the Constitution among all citizens."

Madison declared that "in a free government the security for civil rights must be the same as that for religious rights." They belong equally to all classes and can no more be taken away from a particular class, by blood or the color of the skin, than the right to worship God according to the conscience can be taken away.

#### TERRITORIAL ORDINANCE OF 1787.

Intermediate between our present Constitution and that of the Articles of Confederation there had arisen the Ordinance for the government of the North-western territory, framed and established by the Congress in 1787. The natural and universal rights of freedom and representation are here also fully recognized and guaranteed. "The inhabitants of the said territory



shall always be entitled to the benefits of a proportionate representation of the people in the legislature," "one representative for every five hundred free male inhabitants."

As to the new States to be formed in the said territory, "Whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent Constitution and State government, provided the constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles."—"Article 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted."—Now, in comparison with this ordinance by Congress for the admission of States in 1787 and for the government of the people and the guarantee of their rights, the ordinance by Presidential proclamation in 1863 for the admission of rebel States into the Union was a return to something worse than the tyranny against which our fathers revolted. But the ordinance proposed by Congress in 1866 by amendment of the Constitution for that purpose is still worse.

For this last ordinance, which the Committee of Fifteen propose, and which Congress have adopted, and now ask the States to recognize and establish runs thus: There may be, at the pleasure of the States, both practical slavery and involuntary servitude in the said rebel States by the disfranchisement of the colored race for the punishment of their loyalty and the color of their skin, of which combined crimes no conviction shall be necessary; but the free inhabitants that are not whites in the rebel States shall be adjudged guilty of the crime of color, and shall be deprived of the right of representation by suffrage, on that account, to conciliate the rebels.

The history of the natural right of representation by suffrage claimed by the fathers of the country, and framers of the Constitution, for all the free inhabitants of the land, is brought to its conclusion in 1866, by the denial of the natural right of representation by suffrage, and the exclusion of all persons of color from it, all persons who are not white, first, by Presidential proclamation, second, by amendment of the Constitution giving to the States the right of disfranchising the people at pleasure. The end of the experiment of our fathers, at which the whole world have been gazing with hope, is the establishment of a white man's government, with the receipt of American justice in the Dred Scott decision at its foundation, That black men have no rights that white men are bound to respect.

Contrast with this the declaration of Madison and Hamilton in the Federalist, in regard to the colored race, that, "It is admitted that if the laws were to restore the rights which have been taken away THE NEGROES COULD NO LONGER BE REFUSED AN EQUAL SHARE OF REPRESENTATION WITH THE OTHER INHABITANTS."

#### 1774 AND 1866 IN CONTRAST.

Thus stands the case between the first Continental Congress in 1774, and the last Congress of the United States government in 1866. In the first the leading patriots of our country proclaimed the right of representation, the right of the vote, as belonging to all free persons, to be the fundamental and

vital element of a free republic. They affirmed that the citizens could not be divested of it without becoming slaves. They rose in arms against the government of Great Britain because it was withheld from them.

In 1866 a leading Senator has argued, in support of the proposed amendment giving to rebel States the right of disfranchising the blacks, that the right of suffrage is not in law one of the privileges and immunities secured by the Constitution. And he has affirmed (Senator Howard of Michigan) "that the people's right of suffrage has not been regarded as one of those fundamental rights lying at the foundation of our society, and without which people cannot exist without being slaves, or subjected to a despotism." This assertion can be made in the face of the known history of our revolution, and of the Declaration of Independence.

In 1776 the Congress guaranteed for all free inhabitants all the rights of citizens, irrespective of color. In 1866 they have proposed a Constitutional guarantee for the rebel States of the right of taking away from the free colored inhabitants the primal and vital right of free citizenship, the right of representation.

They have refused to vote for the right of suffrage for the colored race in the District of Columbia. They have voted that the State of Colorado should be admitted to the Union with the colored race disfranchised. They have refused to pass either of the many bills proposed giving the right of suffrage to the colored race. The present amendment is the conclusion to give to each State, as they had voted to give to Colorado, the right of excluding the colored race from suffrage on account of color. There is no other object or intent. For nothing else is any amendment requisite, for nothing else was there any thought of contriving it, it means nothing else though it accomplishes a great deal more, for the sake of bringing that about. For the sake of oppressing the blacks the whites are willing to put themselves under the same State despotism.

If it had not been for the sake of disfranchising the blacks no provision would ever have been made or thought of for disfranchising the whites, or giving to the States the privilege of disfranchising the white population at pleasure. When was that ever proposed? It is only in order to reach the blacks that it is now permitted, or the supposition of its possibility endured; and it is done simply because it is well understood and known that this penalty of disfranchisement never will be visited, never can, never was intended to be visited upon any portion of the white population, who always have the right of voting unquestioned, and are the ruling class, the only class represented in the rebel States, and in many of the free States.

#### DISFRANCHISEMENT FOR OTHER CAUSES THAN CRIME.

The Committee have so contrived the section empowering the rebel States to disfranchise the negroes, that if disfranchised for any other cause than treason or crime, they could not be counted in as material of white representation; and they argue that an inducement is thus presented, under the force of which the white rebel population may refrain from exercising the power of disfranchisement which has been provided for them. For instance they may be induced in South Carolina, for the sake of that increase of State representation in the United States government which a population of two or three hundred thousand negroes with the right to vote would give them, they



may be induced to avoid disfranchising them, and to give them the right to vote. But the provision of the Committee was, If disfranchised for any other cause than crime, that is, if disfranchised for color, they cannot be counted in the population as a basis for the representation of the State. But if disfranchised for crime, then, although the vote be taken from them, they would still be numbered with the whites as a basis of white representation.

In this case, what is to hinder the State from enacting statutes against crime, of such a nature, with such technicalities, and with the disability of voting attached as the penalty, that the whole negro race shall be thus disfranchised for the violation of local law. Thus the provision of the Committee giving the power of disfranchisement might be used, and the whole race disfranchised accordingly, and still the whole power of the number of that disfranchised race counted in for the representation of the State according to its numbers. Criminals are not counted out from the census of State population for voting, but colored skins are. Therefore, by putting all colored persons in the category of criminals, their right of voting may be taken away from them as individuals, but given to the State as population. Being colored they cannot vote; being criminals, they are counted among the whites for the purpose of an increase of the white vote by State population. Persons disfranchised merely for crime may be so counted. Now, then, count the black race as criminals and you give the white race the power of their vote, at the same time that you take it away from themselves. When it is arranged by the Committee that disfranchisement for any other cause than crime nullifies the representative basis by the population so disfranchised, it is color and color alone that is contemplated under the specification of *any other cause*. For no other cause are citizens disfranchised; for no cause *than crime* are *whites* ever disfranchised; for any *other cause blacks* alone are disfranchised.

### III.

## OUR OPPORTUNITY FROM GOD.

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Law and justice are not incidents, but eternal realities. Law and justice are the eternal train; the veto is only a patent brake; the train must go on again. If the brakeman interrupts by mistake, incoherence, or in the interests of a monopoly of wrong, his place will be supplied, and the train will march on. The owner of the line has put the colored race on board, and where the train goes they go, and it goes for them as for the white race. This is God's Time and Freight Table, and neither unjust legislation nor veto can prevent it.

The question is up and never will go down again, of the inherent, absolute right of the black man to the suffrage as well as the white man. Inch by inch the ground is contested. Stop with the right of property, liberty, family, witnessing, suing and being sued, changing masters, wages, contracts; let that be enough. We will grant all that, but stop there. Stop with civil rights, let that be sufficient, but keep the political rights for white men. But no! Not one jot or tittle will justice yield. Political rights do not belong any more naturally or exclusively to white men than to black men, but equally to both. They are necessary for the defense of civil. Take away a man's political rights, and he will soon have no civil ones left. Take away his right to suffrage, and his civil debtors will take away his right to testify and his right to sue, and his right to schools, and his right to choose his master, and his wages, and his religion.

Political rights are as natural for man under a free government as civil rights; if they belong to white men as members of society, so and in the same degree to black men. That is justice, and justice will not yield one inch. God has put justice above color. This is our vantage ground, our advanced position. God has set us forward every stage in this great battle, further than we intended, further than we thought. When the smoke of each conflict has blown away, and we thought we were camping down where we were before, we find that God has moved both forces, even in the heat of battle, far ahead. Another position has to be occupied, another intrenchment secured. When God puts up a question, no veto can put it down. God's standard is beyond, and thither all the forces must troop, even though they



be fighting all the way. Absolute justice for the black man as for the white. This is God's edict, this is freedom's watchword, this is our North Star.

A DIABOLICAL ATTACHMENT PROPOSED TO BE PATENTED IN THE CONSTITUTION.  
WILL THE PEOPLE ACCEPT?

The proposed amendment to the Constitution giving to the late rebel States the right of disfranchising persons of color is an act of excommunication, launched against millions of free persons cutting them off from the privileges of citizens.

It turns the Constitution from a covenant of freedom and justice into an indictment of accusation and sentence of penalty against millions innocent of any crime, whose right to protection and chance of happiness, but for that instrument of torture, would be at least equal to that of their fellow citizens.

It is an indictment against one class, in the name of another and the reigning class. It inaugurates and establishes a war of races in the Constitution itself. It is a provision by which millions of a particular race and complexion may be made and kept serfs. It changes the Constitution from a charter of rights to a conveyancer and covenant of injuries.

It is somewhat such a change as would be made in our sewing machines by means of an attachment by the instrumentality of which the garments that are turned off for the wearing of the poor should be made to convey a malignant hereditary disease through the pores of the skin; all poor people being compelled to wear those garments, or go naked, or be expatriated.

If it was a freak of Nero's despotism to set the Christians forth, clothed in the skins of wild beasts, for their enemies to torture, and that regarded as one of the most monstrous atrocities recorded in history; wrapping them up in the skins of beasts, and then setting them on fire in the streets of Rome; what shall be said of marking millions of our fellow-Christians by legislation for contempt and injury by the color of the skin with which God has created them, and then and thus driving them forth out of the pale of the Constitution, as a herd of outcasts, upon whom their enemies may shower the arrows of their cruelty? For this is what we are doing with them, in taking away from them by reason of their color the rights which we claim for ourselves by reason of our manhood, and which we say are our own only protection from tyranny.

If all these millions of the colored race, now excluded from the right of suffrage, had been of the poor white trash, not one of them would have been excluded from that privilege, nor would anything have been said or done by the President requiring their exclusion, nor would there have been any discovery of a great danger to the country or its liberties from receiving such a mass of ignorance to the responsibility of the vote. There would have been no resolutions in the Cooper Institute requiring the exclusion of three millions from the vote on account of ignorance. Had these millions been white rebels, and had they all borne arms against the government of the United States for four years, they would have been received back to the vote, although not one of them could read or write, nor would the President have attempted to exclude any of them from the right of suffrage, nor would the Cooper Institute have echoed any warning of the peril of admitting them to such right, nor would it have been admitted that the

State had any right to disfranchise them, nor would it have been contended that the right of such disfranchisement is an element of State sovereignty. The right of a State to disfranchise any portion of its citizens except for crime would never have been admitted, if there had been none but white men in the State.

#### THE CONTROVERSY BETWEEN OUR GOVERNMENT AND GOD.

Our government has no subjects but citizens. All are citizens that owe allegiance. Subjects that are not citizens are in effect slaves. Citizens without the right of representation we call slaves. We did describe them as such when we ourselves were fighting for freedom, and we proclaimed to all the world that we were laying our government on such principles, that none should be governed who were not represented in the government as a government of their own choice, supported by their votes. Now the setting apart of a class of citizens to be governed without representation on the ground that they are strangers of another race is the renewal of the crime, with great exasperation of its impiety, on account of which God gave up the Jewish State to destruction. And God who spared not them, knoweth how to reserve the unjust now unto judgment to be punished.

#### THE RIGHT OF CITIZENSHIP AND SUFFRAGE CO-ORDINATE WITH THE RIGHT OF GOVERNMENT.

1. It is a right from God, the right of peaceful self-protection according to God's ordinance of government for the defence of well-doers from the evil, for which purpose the well disposed have the right of choosing for themselves such persons as they can confide the government in the hands of, for just those divine objects, and that divine benevolence.

2. It is therefore a right of citizenship, correspondent with and consequent upon the claim and nature of allegiance on the part of the government, while in itself it is only a covenant with the people under the authority of God. If the government can claim any man as a citizen, and require his obedience as a citizen, in that very claim they acknowledge his right of representation as an essential, inseparable right and possession of his citizenship.

3. As a right of citizenship it may become or be regarded as being a political right, but not on that account any the less natural, not on that account to be regarded as not the property of the citizen, but of the government. Is a white man's right of suffrage to be denied or annihilated by saying that it is a political right? An easy and convenient way this would be of destroying every right in succession, by the epithet political. A man's rights are none the less natural because they are political. They become political the moment he commits them in trust to the rulers and representatives to be guarded by them according to the political constitution. The right of suffrage is no more a political right than the right of appointing trustees to take care of all your other rights. And the right of appointing guardians of your rights is no more political than any one of those rights to be guarded.

The right of appointing guardians or watchmen is as natural as any of the rights that are to be watched, as the right of building and owning a salaman-der safe is as natural as the right of purchasing and holding bonds or bankbills or any kind of property. Suppose the government, or the democracy, or the



State sovereignty should forbid you from owning a salamander safe, on the plea that that was political, whereas your property to be taken care of was natural. Your property is naturally your own, but a safe can belong to you only politically, and you must ask the government for it, and they have a perfect right to deny it, if they please, and to compel you to leave all your securities at the mercy of fire and flood, thieves and robbers.

Just so it is with the pretence that suffrage is a political capacity conferred by the government but not naturally belonging to the people. You never heard of this doctrine until it became necessary for rebels and rebel sympathizers to trample down the colored race by means of it. It never was broached nor dare it be broached now, for white men; it is only for the blacks. Our fathers and our father's covenant made the right of suffrage the right of all, and not a political artificial creation or investment but a natural right, without which there is no right of government. It is only for the sake of trampling on the colored race that we have renounced these principles. There would never have been any denial of the natural right of suffrage, if it had not been considered a necessary or most convenient and efficacious method of degrading and enslaving the colored race. The natural right of slavery is consistently maintained by those who deny the natural right of suffrage.

4. It is a right of free agency, and of reason, of intelligent manhood, a right created and conferred of God in the very attributes and necessities of humanity, and above all a christianized humanity. It is a Christian right, and as such is committed to the Christian church with the duty of demanding and protecting it for those who are deprived of it. And under the gospel dispensation when man had been taught of God and renewed by his Spirit, the right of suffrage appears in spiritual freedom and glory, the birthright of all. The learned and the ignorant, Jews and Gentiles, barbarians, Scythians, bond and free, black and white, all races, complexions, grades, were equal with this Christian right of suffrage, the symbol and the exercise of self-government and freedom.

As then, so now, it is the right of all Christians, irrespective of race, color, birth, learning.

CRIME IN THIS LIGHT, OF WITHHOLDING IT. THE VOTE IS THE RIGHT AND SECURITY OF EDUCATION.

5. The vote is the right of progress, of humanity, of acquiring knowledge. It is the vote that dispels ignorance, that disarms ignorance of its evil, that puts ignorance, as long as it lasts, on the side of loyalty; that cuts short its reign, that issues the proclamation of freedom, that gives the motive and the power to gain knowledge. It is the vote that secures knowledge, and a well meaning mind. It is the vote that has the right of ejection against ignorance, and not ignorance that has the right of possession against the vote. It is the vote that palsies the arm of despotism, by expelling the ignorance which was the instrumentality of its power. The vote has been affirmed in the latest proclamation of democracy to be a trust conferred by government, not a right belonging to the people. This would result in a despotism. It lays the broad and sure foundation for it. But the vote is not a trust, conferred by man, but a faculty and right of free agency from the

Creator, belonging to one man as much as to another. The vote, as a natural and universal right, is the protection of the country against the betrayal of its trusts in the hands of wicked men. Offices are trusts; the vote is the conferring of them, on the part of the sovereign power, with the right of recalling and re-conferring or changing them. Votes are the wills of the people; magistrates are their choice to administer God's own appointment of government for universal justice without respect to persons. Where the vote is universal, where it is claimed and accorded as a universal right, there is less danger of respect to persons than when it is possessed by privileged classes. As natural and universal it is less likely to be abused than as held by one class to the exclusion of others.

#### CORRESPONDING OBLIGATIONS OF THE COVENANT BETWEEN VOTERS AND GOVERNMENT.

*Allegiance. Representation, Suffrage.*—Does the government confer representation? Is the right of representation a gift or trust from the government? Nay, but representation creates the government, and the vote creates representation, so that the right to vote is the profoundest, most natural and most comprehensive and creative right of all. Does the government confer suffrage as a trust? Nay, but the vote confers the right of government as a trust. The vote creates representation as its first form of trust, and then representation creates and endows government as the organization of the trust-company; but what the vote creates, the government cannot own, or have any right of possession in it, except as a servant in commission, to take care of it. The protection of the rights of citizens is the sole object of government, which grows out of appointment by the citizens through the expression of their will, by the vote. Is the right of choice a gift from the government? Is the expression of that choice a gift from the government, or a trust conferred? The expression of that choice is what created and maintains the government, as the ordinance of God for justice from person to person. All the political verbiage about suffrage as a trust is the darkening of counsel by words without knowledge.

It is man's right to have a government, but it is not the government's right to have men; that is, the government was made for man, not man for the government. Men are citizens by virtue of the rights of man, and do not receive the rights of man by virtue of citizenship. Citizenship is but a local habitation and a name for all a man's rights in and under government. Citizenship is as the band that binds these fasces in one bundle, and the government owes allegiance to them all, and cannot separate them and say, These we grant, but these we withhold; but is bound to protect them all, without respect to persons. Government cannot take into its own possession as owner any of these rights, nor by the adroit use of the words civil, political, legal, divest itself of the obligation to secure justice to every man, without respect to person; to every man what belongs to him as the natural sovereign. The vote is the expression of his sovereignty. The vote is his will, his legacy in trust, to the government as his executors, who are bound to administer the trust according to the ordinance of God. The powers that be are ordained of God to execute justice, to protect men in well doing.

The voters have the right to demand of those powers that they carry out



the rules of God, liberty, justice, and if they fail to do this, then they have the right to commission and put into investment of those powers new governors. The powers are ordained of God, but the officers to exercise and execute them are appointed by the suffrages of men, which is equally God's arrangement. The voters appoint those who again by voting appoint and establish the laws for the protection of the voters in their rights of life, liberty, and the pursuit of happiness. The votes of the whole people are the origin and commission of the government, whose work is that of freedom and justice for the people and their posterity. Hence the enormity of the abuse and oppression, if the government by virtue of their position give the force of law to wrongs. No man can possess rights which are wrongs against his fellow-man. To give legality to wrongs, investing them with the character of rights, and enforcing them upon the people, is the greatest possible enormity. Such is any legalization of a right on the part of one class of the people to take away the right of suffrage from any other class.

STATE SOVEREIGNTY, AS HELD BY REBELS AND THEIR SYMPATHIZERS, A LOCAL TYRANNY.

Such, by a perilous perversion of the Constitution, and infraction of the rights of citizenship, is the pretended right of what is called State sovereignty, to determine and declare the *status* of the people, as voters or non-voters, and in time past, free or slave; a vast fraud upon the people, depriving them of their rights, and establishing an ownership over them. It is sovereignty on a foundation and with a right forbidden of God, namely, the right of prescribing iniquity by law, grievousness by statute. By the ordinance of God the government are in allegiance to God for the people; to the people for their good. By the ordinance of State sovereignty, the people are in subjection and allegiance to the State government without the right of protection by the General government. State sovereignty has produced secession and rebellion and war; and now in admitting its pretensions, especially in so vital an element as the power of the vote, we are providing for a new rebellion in behalf of the right of making serfs of the colored race, as the first rebellion was in behalf of the right of holding them in slavery.

The grand use that has been made of the doctrine of State sovereignty is the betrayal of individual liberty. It has been the shield and support of slavery. State sovereignty has made slaves of United States citizens and subjects, and has then made a consolidated slave of the United States government to do the bidding of the slaveholders. The slaveholding classes have been protected by State sovereignty in the right of doing wrong, the right to take away from others their rights, the right of public and private immorality and fraud. The only thing accomplished by State sovereignty, which the national sovereignty could not have accomplished, has been, first of all, slavery; second, all the wrongs of slavery established as reserved rights.

DESPOTISM OF THE ASSUMPTION OF THE RIGHT TO DISFRANCHISE.

If the right to vote is not a natural right possessed by the people, where did it come from? Who created it, who gave it, who appointed the qualifications for it? If the government did this, when, and where, and by what authority? If the government did this, then the government owns the people instead of the people owning the government, and our republic is but a despot-

ism like all other oligarchies, only more subtle and dangerous, as concealing its tyranny and its power to perpetuate itself, under the forms of popular liberty. No despotism is more eternal than that which imposes on its victims the delusion of being their own masters, while on the contrary the despotism perpetuates its own mastership by holding the voting qualifications and machinery in its own power, and the right of disqualification at its own pleasure. The most artful, dangerous and powerful means of subduing and enslaving a people is the assumption and exercise by the government of the right of disqualifying classes under pretence of determining the qualifications of individuals for the vote, and so of withholding it by governmental arrangements from classes or individuals at its pleasure.

#### HOW THE STATE IS MADE THE DESPOT.

*The right on the part of the government to destroy the right to vote in any portion of the people is the right to enslave.*—The exercise of such a power is their enslavement. The State that is permitted to take this power from the General government and from the people, and to exercise it, becomes superior, by that right and power, both to the General government and the people. The State that can say to any class of its citizens, You shall not be represented in the General government, is sovereign over that government; it can at any time withdraw any portion of its citizens from their citizenship and allegiance under the General government, and confine both to itself. It can say at any time of any obnoxious class of free persons, who grasp at the reality of freedom and are not satisfied with its shadow, You shall not be represented in nor protected by the General government, and therefore, to this end, you are forever debarred from the right of representation in the State Legislature.

This is the consequence of construing the right to protect and regulate a natural right, as being or conferring the right to destroy it. The right to destroy the right to vote has never been conferred by the people upon the government, nor ever conveyed to any State by the Constitution. Such a conveyance would have been suicidal. To do it against themselves would be self-murder, to do it against others would be assassination. To do it against a particular class would be to give the other class the supreme ownership over the defrauded portion with the power to constitute the State a corporation, a legalized monopoly, vesting such ownership in as select and perpetuated a commission of irresponsible masters as they choose. It would be the re-enthronement of slavery as the basis of the State.

#### THE WITHHOLDING OF THE VOTE A PUBLIC ROBBERY.

If the vote be a right of citizenship, we owe it to all our fellow-citizens, and can no more rightfully take it from them than we could take houses, lands, property. It is as direct a robbery if you take it from them by law as it would be if you marched an army of invasion and destroyed their homesteads. Representation is as sacred a right as property. It is far more natural; for men are not born with property, but they are born with the right to vote, which is neither more nor less than the right of free will, free agency, the right to express their preference, their choice, under a government that sets forth as its fundamental principle and law that it is a government of the will of the whole people, expressed by vote. You have, therefore, no more right to take away the right to vote than you have to



take away the right to property. You have the right to regulate and guard both rights, for this is one grand object for which the people have made you their government, to protect their rights, to do for them by law and consolidated power, what they would otherwise have to protect and secure for themselves by individual strength and conflict as wild beasts or savages. Because the people have appointed you to make laws concerning property, did they therefore give you the right to take away their property? Because they have appointed you with the right to regulate the right to vote, did they therefore give to you the right to take away the right to vote at your pleasure, or to distribute it among yourselves, for a class in power?

The vote is the most valuable of all properties. It is the protection of your neighbor's rights as well as your own placed in your own power. It is obvious that if every man voted for other's rights, as well as his own, there could be no governmental oppression. If there be, the voice of thy brother's blood crieth against thee. The vote is a natural right, but government is not. When there were only two men in the world, each had the natural right of the vote, but neither had any natural right to govern. When there were three men, each had the natural right to vote, but neither any natural right to govern. If one governed, it must be by consent of the vote of the others. There must be a government in human society, but the method, and the appointment of the governor, the Executive, in behalf of the natural rights of all, must be by the natural right of the vote in each, but all subject to the one sole rule and object of government as ordained of God,—justice for all, protection for all.

The wife and the child are in the husband and the father. When it is objected to the natural right of suffrage that all have not the vote, since women and children have it not, the answer is (without denying but contrariwise maintaining the right of women as of men), They do have it in the vote of the husband and father of the family. The right of the vote is theirs, just as much as the right of a home is theirs as truly as it is the father's, but the title and protection of the home vest in the father for the household, or in the father considered as one, for the protection of the children and of the whole family. But if the natural right is taken from the father, all lose it.

There is no protection for the domestic relation if there is none for the vote, as the natural right of all. If it can be taken away from a class, the domestic relations of that whole class may be destroyed by the voting classes, and by the State under their control; and if that be adopted as the rule of government, there can be no remedy, nor any earthly appeal. The non-voting classes and their children may be proscribed as a caste forbidden to mingle with the voting classes, forbidden to ride in the same vehicles, forbidden to intermarry, forbidden to pursue the same trades, forbidden the exercise of any respectable and lucrative profession, forbidden the possession of landed property, forbidden a place in the same schools, in the same churches, forbidden to witness against crimes and outrages committed by the voting class, forbidden to sit on jury trials, except as criminals, forbidden every occupation but that of manual labor, as mudsills, forbidden to choose their own masters, forbidden to stipulate their own wages, sold out for service as paupers to the highest bidders; all this and more, in undisputed

consonance with the letter of the amended Constitution forbidding slavery ; all this in consonance with what is called a free constitution, if the persons thus treated are excluded by the same constitution from the right to vote. There is no protection for them ; no constitution could be framed to make such protection possible, so long as it took away from them the right to vote, or permitted it to be taken from them by the laws of a State under dominion of the voting classes. You have only to add the designation of color, and you concentrate all these disabilities and oppressions into one, for the greater convenience and more potent application of the oppressor at his pleasure ; just as the whole power of a vast compound machinery is put at the disposal of one man, when you put into his hand the hand'le of the lever that sets the whole in motion. The designation of color for deprivation of the vote is the talisman of oppression, before which every right is broken, as condemned iron is cut in fragments by the shears in a foundry to be recast into chains or hoopskirts, or chords for musical instruments, or whatever the owner pleases, for his own profit. There is no limit to such a power but death.



## IV.

### WHO ARE THE PEOPLE?

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THE DISFRANCHISEMENT OF CLASSES A DESPOTISM FORBIDDEN BY THE CONSTITUTION.

The power of determining who are the people, and of excommunicating certain ostracised classes of citizens as not being the people intended in the constitution is equally a deadly despotism. When the constitution declares that "We the people of the United States, in order to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution," then for a class or a State to be able to say that a portion of the citizens are not the people is as deadly a despotism as the right of making them slaves.

When the Constitution adds in its first article that the House of Representatives shall be composed of members chosen every second year by the people of the several States, then for a State to assume and be permitted to exercise the right of banning and ostracising a portion of the people by the color of the skin as not being the people, and therefore not voters according to the Constitution, that assumption is as deadly a despotism as the right of enslaving them. And any Congress that sanctions such an assumption, and above all, proposes to amend the Constitution in order to confirm it, is an enslaving Congress.

The Constitution, therefore, provides that the national representatives shall be chosen by the people of the several States, who shall exercise the right of suffrage in voting for United States representatives on the same conditions and with the same qualifications required in voting for their State representatives.

By whom, then, shall these conditions be settled? By the people themselves, for this is the characteristic and proof of their existence as a free people, since the power that can impose the conditions of the vote is the master and owner; and a people giving over this power into other hands enslave themselves. The power to prescribe the conditions of voting is a despotic power over the people to govern them through the instrumentality of as few agents as the prescribing power chooses to employ. But how much more if the prescribing power can determine who are and who are not the people, by the color, for example, of the skin! If the prescribing power appoints ten voters out of a hundred people, it owns those voters, and through them owns the people. But how much more, if the prescribing power appoints the people, and can say at pleasure what classes shall not be counted as the people, for example, by color of the skin.

A deluded nation may call this a republic, because it is carried on by vot-

ing ; but it is none the less a despotism, ruling the people by a power not originating with themselves, and beyond their control. But if the people themselves prescribe the conditions of the vote, and of citizenship, they also can change them, and are their own masters, with the power of government in their own hands.

OPINIONS OF MADISON, HAMILTON, AND OUR REVOLUTIONARY FATHERS.

When Madison and Hamilton affirmed the rights of citizenship and representation to belong to negroes as to whites, the right of qualifying electors was to be a right exercised in regard to both these classes alike. South Carolina had been forbidden from disfranchising the blacks, though the attempt was made to do it. Whatever qualifications were required of the one class the same and none different or additional thereto should be required of the other class. Qualifications excluding either class would be the destruction of the right, not the selection of individuals to exercise it, according to qualifications for it. Qualifications for it were the authority of the people of the State to appoint, not disqualifications excluding the people from it.

No State should have the power of excluding any portion of the people, being citizens of the United States, from the power of choosing their own representatives by vote. The particular qualifications for the exercise of that power and right should be for all classes alike, and no disqualifications should ever be imposed, or disabilities created on account of race or color. The qualifications should be such as to be in the power of all citizens to acquire on coming to majority, so that no class of citizens under allegiance to the United States government should ever be without representation in the United States House of Representatives. No State should have the power of excluding any class of its inhabitants from being counted among the people by color or race. South Carolina attempted such exclusion twice, and each time was refused the privilege of disfranchising by color of the skin. Our fathers would not admit such a despotism under the Constitution, and thought they had rendered it impossible. The Committee of Fifteen propose to make it not only possible, but constitutional, by amending the Constitution itself for that purpose.

The attempts of South Carolina were made and repelled before the Constitution was passed. The Federalist was written after the defeat of those attempts, and interprets the Constitution as forbidding the States from withholding or destroying the rights of any class or description of citizens.

It is affirmed in the fifty-sixth number of the Federalist that "every circumstance regarding the Constitution of the House of Representatives is strictly conformable to the principles of republican government and scrupulously impartial to the rights and pretensions of every class and description of citizens."

"Who are to be the electors of the Federal Representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the correspondent branch of the Legislature of the State." That is, they are to be the people, of all classes.



In accordance with these fundamental and acknowledged principles, the right of suffrage being no more questionable for any class of the people, than the right to breathe, or to walk the public streets, it was declared by the great writers of the Federalist, and whether the affirmation came from Madison or Hamilton is of little consequence, for it was the conviction of both, that whenever the laws of government should restore the rights which had been taken away from the negroes by transforming them into subjects of property, whenever the government performed the true function of government in restoring them to freedom "THE NEGROES COULD NO LONGER BE REFUSED AN EQUAL SHARE OF REPRESENTATION WITH THE OTHER INHABITANTS."

By amendment of the Constitution and by United States law the grand measure of emancipation contemplated by these patriots has been consummated, and by their interpretation of the Constitution, representation follows, which is the right of suffrage, equal with the other inhabitants.

But now, for bringing the rebel States back into power over the blacks to disinherit and disfranchise them at pleasure, because of the color of their skin, the Congress and Committee of Fifteen propose again to amend the Constitution so as to give to the States that power of disfranchisement which Washington, Hamilton, Madison, and the framers of the Constitution, and our fathers who adopted it, supposed they had rendered forever impossible!

#### PRESENT OBLIGATION OF THE GOVERNMENT AND CORRESPONDING JURISDICTION.

The government has, by national prerogative and power, made those who were once slaves a free people, and is bound to defend them as such, and to confirm and secure their freedom beyond the reach of any aggression against it, or nullification of it by the States. No State can disfranchise a citizen of the United States. The right to do so would be the right to enslave him. But especially those whom the government has made free, in spite of the laws of slave States enslaving them, and the rebellion of those States to maintain possession of them, are under the sole and entire legislation of the government, as it pleases, for their protection. If they were even slaves, they would be the property of the government, by right of war, and it would have the right to dispose of them as it might please, regardless of any claim of ownership or legislation over them by the rebel States. How much more as free citizens, whom the government has made free, whom it released by proclamation, by war, and by enactment, from the dominion of their oppressors, and received and claimed as loyal subjects and citizens, and in part enlisted as soldiers. Beyond question it possesses the entire and sole right of jurisdiction, and connected with that right, the covenant and obligation to protect and defend. Even if there were a question of jurisdiction over the whites, as rebels, there could be none over the blacks as loyal and free subjects and citizens. The government not only has the right but is bound to legislate for and over them, by virtue of the Constitution, and as entitled to its protection, against the rebel State, and the slaveholding State Constitution, until that Constitution itself shall be so framed, and the State laws accordingly, as to protect the colored loyal citizens in all the rights in which the United States Constitution protects both them and the loyal white citizens, without respect to color. The government has the right to disfranchise white citizens for treason; but it cannot disfranchise loyal citizens, on account of color. And if white traitors, assuming the sole command of the State, undertake to dis-

franchise the colored loyal citizens, the first duty of the government is to forbid and prevent such disfranchisement, and to cover such loyal citizens with the protection of the Constitution.

#### THE CASE TRIED UPON THE IRISH AND GERMANS

Suppose that one half the number of inhabitants against whom the cruelty of these inflictions of wrong and robberies of right are being enforced by the President in conjunction with the rebel States, presented themselves for citizenship from Ireland and Germany ; say only two millions ; and that the President proposed and the government adopted in regard to them as the mode of their citizenship that neither they nor their posterity should vote, nor should sit on juries, nor be permitted to bear arms, nor to defend themselves from injury, nor to ride in cars, nor to engage in particular trades, nor to choose their own masters, nor to determine their own wages, nor to hold free public meetings, nor to be seen in the streets after eight or nine o'clock in the evening, and that, on conviction of crime against State laws in any of these or other respects, they might be sold into slavery. Would this be endured ? If it were even regarded as possible, who would migrate into such a country, even from the most oppressive States of Europe ? Who would not despise and abhor such republicanism as worse than any despotism in the old world ?

Merely to be deprived of the vote is a degradation. It is a robbery that no convention, no legislature, nor State, can rightfully commit. All acts of State or legislature committing it must be judged null and void ; whether New York or Connecticut or Wisconsin or any Southern State has been guilty of an aggression in this respect, it cannot but be pronounced unconstitutional and illegal, when brought before the Supreme tribunal of justice. The question only needs to be tested in the courts, and but one decision is possible. There is no constitutional or righteous power of disfranchisement except for crime, and then only by due process of law.

#### TRIAL BY JURY NECESSARY FOR DISFRANCHISEMENT.

The fiat of a Convention is not due process of law ; an act of the legislature is not due process of law ; a proclamation by the Executive is not due process of law. Not a single right of the citizen, nor article of any man's property, nor any franchise belonging to him, can be taken from him by any such method, but only on trial and conviction of crime and sentence for the same. Now if color is a crime, it must be tried as such, and conviction must be had, and sentence pronounced before the penalty executed. There must be a trial in every separate case, before you can rightfully adjudge any man guilty of the crime of color and proceed to execute the penalty. A general charge or indictment against classes is not sufficient. You cannot proceed thus in the case of any crime whatever. You cannot indict and try and sentence a community, or the inhabitants of a township, for burglary or murder, or treason, or any other crime. You must proceed with particular instances. And just so, if there is a penalty upon color, you must indict and try every individual, and prove the accusation, or you cannot issue sentence or execute the penalty. If the color of a man's skin is to shut him out from voting, and in consequence from every protection of the law, he has the right to be publicly tried by jury before this outrage can be inflicted on him. The



truth is, we have not begun to realize the wickedness of this condemnation and injury of men by classes, nor in how many ways it contravenes and destroys every notion of a just government, and the object of the Almighty in the establishment of government.

#### ENFORCED DEMORALIZATION BY DEPRIVAL OF THE VOTE.

The deprivation of the vote would keep down even a white community in a most injurious, calamitous, despised and degraded condition. Our fathers called it slavery, and resisted it to the death. But to be deprived of the vote because of the color of the skin is to declare that under no circumstances can you be considered a free citizen, no matter what may be your education or your worth. It is to declare that there is a stigma and abhorred quality in the color of your skin which there is not even in crime, and which no worth, nor well-doing, nor learning, nor accomplishments can counter-balance; that individually, personally, essentially, and in the race, in a man's self and in his children, there is that quality so detestable, so obnoxious, that what ignorance and crime together cannot do to degrade or disqualify the white man, this quality of color alone shall accomplish in the colored race making them the objects of a social ban and curse, the mere outcasts of society, lepers by complexion, though the perfection of health be in the skin, shut out, from respect, companionship and sympathy as criminals, while moral lepers walk up and down unscathed.

#### THE CRIME AGAINST GOD.

The leprosy inflicted upon Miriam, when she had presumed to speak against Moses because he had married an Ethiopian woman would seem to have been directly with reference to this prejudice. The nature of the punishment is otherwise almost unaccountable; and so considered, it is an early and most instructive warning as to the displeasure with which God regards the existence and indulgence of such a scorn of any of his creatures on account of the color of the skin. The resistance and abatement of such prejudice, the rebuke and non-permission of it, is set down in Isaiah, along with the sweeping out of slavery, as the condition of God's mercy to the nation; if thou take away from the midst of thee the yoke, and the putting forth of the finger for insult and scorn. And there never was a more comprehensive and gracious opportunity and method offered by divine Providence for rebuking and abating this prejudice, for striking at its foundation, raising the race above it and out of its reach, in obedience to the precept to Honor all men, than this opportunity to proclaim to them and to the whole world that we hold them as citizens before the law in every respect equal with ourselves, possessors of the same rights, and to be treated accordingly. It is the only beginning of the recompense we are bound to make them for the countless injuries that have been heaped upon them. It is the necessary foundation of any possibility of recompense. We cannot begin to fulfil the obligations either of justice or generosity or of the lowest degree of gratitude to them or to God, in any other way. We are surely bound to impart to them the privileges of a free country, which God has preserved to us through their instrumentality. How empty the boast, how monstrous the hypocrisy, of interfering with what we call the Monroe doctrine in behalf of our neighbors of another land, that

they shall be secured in a republican form of government, while we deny its benefits and its rights to millions of our own citizens. We forbid a republican government in the United States, but insist that none other shall be set up in Mexico. Meantime, there are not so many millions of inhabitants in all Mexico as we propose to deprive of the common right of republican citizens in the United States.

#### A RELIGIOUS QUESTION.

The question is of such a nature, so religiously fundamental, respecting the treatment of five millions of citizens, for ages to come, that the church cannot avoid its responsibility. The number involved and increasing constitutes a respectable nation. It is more than the whole population of this country at the time when we became a people. The proposition now before us is to deprive more millions of American citizens of the right of representation than the whole inhabitants of the Colonies who engaged in the revolutionary war against Great Britain because they *were* deprived of the same. They regarded that withholding of their rights as an intolerable tyranny, a species of slavery to be resisted by war. We propose to consign five millions of our fellow-citizens under this government to the same slavery, on the ground of the color of their skin. The question whether this shall be done is the great dividing question in the politics of our country. It is the question whether we shall obey God or man; whether justice or a tyrannical expediency shall be the rule of government; whether this government shall be truly republican or despotic; whether it shall be a government making all classes equal before the law, and legislating for all without respect to persons, or a white man's government, excluding from the right of suffrage all who we find guilty of a skin not colored like our own. It is a conflict between Christian obligation on one side demanding justice and equal rights for all without respect to color, and infidel democracy and aristocratic exclusiveness on the other side demanding that black men shall not be counted among the people, and that none but whites shall be represented in the government, or permitted to have any voice or will in regard to the laws by which they are governed. This is a fair statement of the case. The radicalism of this country demands justice as the foundation and the rule of government; the democracy of this country demands caste, and the ruling caste mean to perpetuate their oligarchy by the law that none but whites shall vote.

#### TREATMENT OF THE NEGRO THE TEST BOTH OF OUR REPUBLICANISM AND PIETY.

The test of true republicanism is this, and of a republican form of government, that it be able to hold in solution the negro and his rights so transparently and perfectly that no difference can be perceived between him and the white man. Whatever fails by this test is an imposition. The negro is our plumb-line of reconstruction. The negro has been God's instrument in subduing the rebellion. The negro determines the quality of our justice; God judges our justice as it affects him. The negro is the test of our own freedom; it is our slavery if it cannot protect his rights. The negro is the assayer-general of our national coin; it is base spelter if it is not virgin gold for him. We are the first nation that ever yet has been so tried, and it is



one of the proofs and consequences of the coming of Him who is like a refiner's fire, and who sits as a refiner and purifier of silver, and a swift witness against those who turn aside the stranger from his right. At his coming the oppressor is to be broken in pieces, and the children of the needy are to be saved. The republicanism that cannot stand this test will be worthy of a swifter judgment, and will doubtless meet it, than all the forms of despotism that have heretofore had their day of trial and destruction. The laboratory of God's experiments preparatory for the coming of his kingdom is near the hour of being shut up. The Great Bell of Time in 1866 tolls out the old, tolls in the new. The religion that cannot stand the test of justice must go down. The religion that sanctions injustice on the ground of expediency is accursed, and the sooner it is swept from the world the better, and in this coming of the Lord to break such horrid shams in pieces, all good and true men will rejoice, and will say, The sooner the more glorious.

If ever there was a question that needed to be examined from the standpoint of religion, it is this. For in the first place it concerns the first principles of our duty to our fellow beings as a nation and as individuals. It is a question of justice. It is a question of benevolence. It is concerning millions. It is a question for posterity, as to the laws for future ages. It is a question of present and future welfare, industrial, social, civil, educational, religious. It is a question for the church no less than the State. These millions cannot be elevated religiously under a law passed by religious people that takes away their rights politically, takes away all their means of self-defence, forbidding the use of natural means in a state of nature belonging to all, depriving them of moral means, and rendering resistance on their part madness and suicide. A religion that does all this, cannot prevent the working of its own poison by the ministration of dogmas or missionary and freed-men's schools. No more than the old Jews could balance and counteract the working and effect of their idolatrous compliances and forms of oppression, by oblations and prayers, or wipe out their debt of justice towards man by a per contra of professions towards God, or cancel their obligations of mercy by the offer of sacrifice. It was but a forgery to cover and protect a robbery. So it is with a religion that first robs our fellow creatures of their rights, and then pretends to make it up by Bibles and schools and teachers.

The rebels seceded and rebelled for slavery; we proposed to have amended the Constitution in favor of slavery. They secede anew for caste; we propose to amend in favor of caste, putting into the Constitution the Dred Scott decision, that black men have no rights that white men are bound to respect.

It is the Dred Scott decision adopted as the law of the nation. The prejudice against the colored race in all other directions, all other modes of expression, was but local, however iniquitous; now it is national. Before it was dissent; now it is the established religion. Whatever there was of obligation towards the colored race, that obligation culminated in the duty of national protection; it is performed in a national desertion of them and deliverance into the power of their enemies. There we stand, in that national attitude before God and man. Having had the opportunity given us of God to put an end to this iniquity, and establish justice and mercy in its place, we deliberately put an end to justice and mercy and establish injustice in its

place. In whatever way we view this, it is now the act of the nation as it never has been before. The outrage being against the clearest principles of governmental justice and obligation, is a stolid brutish defiance of Almighty God in our national capacity and character. There never was a more signal national failure and degradation upon earth in the acknowledged demonstrated incapacity of a country to fill the sphere to which the Providence of God had raised it.











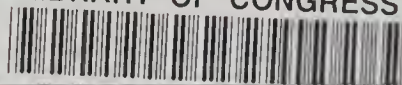








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